

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ZARKA GARROTT, BOP #03517-025

PETITIONER

VERSUS

CIVIL ACTION NO. 5:04CV297DCB-JCS

CONSTANCE REESE, Warden FCC-Yazoo City

RESPONDENT

ORDER

It is hereby ordered that the Report and Recommendation in this action entered on October 21, 2006, is withdrawn. It is further ordered that petitioner's motion to dismiss (docket entry number 11) is granted, and this action is dismissed without prejudice.

SO ORDERED, this the _10_ day of February, 2006.

____s/ James C. Sumner_____
UNITED STATES MAGISTRATE JUDGE